

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
MAY 12, 2003
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor Kearsley called the meeting to order at 6:30 p.m.

SWEARING IN OF YOUTH COUNCILMEMBERS

Youth City Clerk Ma swore in the Youth Councilmembers

The Council and staff introduced the Youth Councilmembers and Youth staff

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Ken Kearsley, Mayor Pro Tem Sharon Barovsky, Councilmembers Joan House, Jeffrey Jennings and Andrew Stern.

ALSO PRESENT: Katie Lichtig, City Manager; Christi Hogin, City Attorney; Julia James, Administrative Services Director; Vic Peterson, Environmental and Community Development Director; Ed Knight, Interim Planning Division Manager; and Lisa Pope, City Clerk.

Youth Mayor Damavandi; Youth Mayor Pro Tem Opliger; Youth Council Person Juede; Youth City Manager Caitlin Harris; Youth City Attorney Robert Ayres; Youth Planning Director Ashley Smith; Youth Building Official Brittany Sherman; Youth Administrative Services Director Hakon Asenden; Youth Public Works Director Briana Roven; Youth Parks and Recreation Director Ari Rovan; Youth City Clerk Margaret Ma.

FLAG SALUTE

Ms. Hoos led the Pledge of Allegiance.

APPROVAL OF AGENDA

Councilmember House stated Jennifer Conrad, spearheading Item No. 7.B., had requested that the item be continued.

MOTION Youth Councilmember Juede moved and Youth Mayor Pro Tem Opliger seconded a motion to approve the agenda with Item No. 7.B. continued. The motion carried unanimously.

CLOSED SESSION REPORT

Public Comment on Closed Session Items

None.

City Attorney Hogin report that the Council met in closed session at 5:00 p.m. to discuss the following items:

Existing litigation per Government Code Section 54956.9 (a):

1. Chicksands Properties LTD. v. City of Malibu et al.
Los Angeles County Superior Court Case No. BS072081
2. City of Malibu v. California Coastal Commission (Streisand Center Coastal Permit)
Los Angeles County Superior Court Case No. BC230410
3. City of Malibu v. California Coastal Commission / TLC / Liebig (Referendum)
Los Angeles County Superior Court Case No. SS011355
4. City of Malibu v. California Coastal Commission (AB988 / LCP)
Los Angeles County Superior Court Case No. SC074641
Related cases (city named as a party in interest):
 - a. Rick Appel v. California Coastal Commission
Case No. SC074658
 - b. Ralph Herzig v. California Coastal Commission
Case No. SS011382
 - c. Land Use Preservation v. California Coastal Commission
Case No. SS011388
 - d. Riverview Farm Associates v. California Coastal Commission
Case No. SS011383
 - e. Brian Sweeney v. California Coastal Commission
Case No. SS011387
 - f. Trancas-PCH v. California Coastal Commission
Case No. SC074640
 - g. Tuna Ridge v. California Coastal Commission
Case No. SC011381
 - h. Land Use Preservation Defense Fund v. California Coastal Commission
Los Angeles County Superior Court Case No. SS011388

5. City of Malibu, et al. v. County of Ventura, et al. (Ahmanson Ranch)
Ventura County Superior Court Case No. CIV 216938
6. City of Malibu / Geffen v. Access for All / Coastal Commission et al
Los Angeles County Superior Court Case No. BC277034
7. City of Malibu v. Santa Monica Mountains Conservancy (Streisand Center)
Ventura County Superior Court Case No. CIV193900
8. United States of America ex rel. Darian v. Accent Builders inc. et al.
United States District Court Case No. CV00-10255-FMC(JWJx)
9. Keach v. City of Malibu
Los Angeles County Superior Court Case No. SS009723
10. Malibu Township Council v. City of Malibu II (28-car garage)
Los Angeles County Superior Court Case No. BS079965
11. Marine Forest Society v. California Coastal Commission Case No. 00AS00567
(Sacramento Superior Court) (Amicus)
12. Rubens v. City of Malibu
Los Angeles County Superior Court Case No. SC060331
13. Silver v. City of Malibu
Los Angeles County Superior Court Case No. BS081960
14. Sprint v. City of Malibu et al
United States District Court Case No. SACV02660 DOC (MLGx)
15. Sweeney et al v. California Coastal Commission (LCP/City is Real Party in Interest)
Los Angeles County Superior Court Case No. SS011387
16. Sweeney et al v. City of Malibu
Los Angeles County Superior Court Case No. SS011602
17. Taxpayers for Livable Communities; Jay Liebig v. City of Malibu
Los Angeles County Superior Court Case No. BC258432
18. Taxpayers for Livable Communities; Jay Liebig II v. City of Malibu
Los Angeles County Superior Court Case No. BS0735585
19. Taxpayers for Livable Communities, Povah, et al. v. City of Malibu
Los Angeles County Superior Court Case No. BS072794
20. City of Arcadia, et al. v. Regional Water Quality Board, et al.
Los Angeles County Superior Court Case Nos. BS080807, BS080548, SO80753, BS080758, BS080791

Conference With Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9(b):

21. Number of Cases: 2

Real Estate negotiation matters pursuant to Government Code Section 54956.8:

22. Property APN: 4458-021-005 and 4458-022-012
City Negotiator: City Manager Lichtig or designee
Property Negotiator: Tom Fitzpatrick
Under Negotiation: Price and terms of payment

23. Property APN: 4458-018-002, 018, 019
City Negotiator: City Manager Lichtig or designee
Property Negotiator: Roy E. Crummer
Under Negotiation: Price and terms of payment
24. Property APN: 4458-022-019 and 4458-021-003
City Negotiator: City Manager Lichtig or designee
Property Negotiator: Wave Property Inc.
Under Negotiation: Price and terms of payment
25. Property APN: 4472-027-901 & 902; 4472-028-901 & 902; 4473-005-901 & 902; 4473-006-900
Property Negotiator: City Manager Lichtig or designee
Buyer Negotiator: State of California / Santa Monica Mountains Conservancy
Under Negotiation: Price and terms of payment
26. Property located at: 23801 and 23833 Stuart Ranch Road
City Negotiator: City Manager Lichtig or designee
Property Negotiator: Yamaguchi Tokiye Trust
Under Negotiation: Price and terms of payment

City Attorney Hogin indicated that the Council discussed many, but not all, of the items listed on the posted item due to limited time. She stated the Council took no reportable action. She indicated that the Council discussed the litigation regarding the Local Coastal Program. She stated that the Council discussed what actions to take including issuance of Coastal Development Permits. She indicated that the Council discussed whether or not to appeal the Superior Court's ruling on the Referendum case.

REPORT ON POSTING OF AGENDA

City Clerk Pope reported that the agenda for the meeting was properly posted on May 2, 2003, with the Amended Agenda posted on May 9, 2003.

ITEM 1 CEREMONIAL/PRESENTATIONS

- A. Commendation to Msgr. John Sheridan recognizing the 60th Anniversary of his ordination.

Youth Mayor Damavandi read the commendation to Msgr. John Sheridan recognizing the 60th Anniversary of his ordination.

Youth Mayor Damavandi displayed the Call to the Wall photo.

Mayor Kearsley announced that the City was accepting photographs of Malibu memorabilia.

ITEM 2A PUBLIC COMMENTS

Mary Frampton discussed the need for ionization to reduce harmful molds.

Darrel Lehman discussed the dangers caused by pine and eucalyptus trees and suggested that these trees be eliminated. He discussed view obstruction due to overgrown trees and requested the Council consider a tree preservation ordinance.

Steve Uhring addressed the Council regarding the Planning Commission's deliberations on the Malibu Bay Company Development Agreement. He suggested that the development agreement provide for the recreational needs of the City.

John Mazza requested that a commendation be presented to Peter and Sarah Dixon for their contributions to the community. He addressed the Council regarding the grant application for sidewalks on Point Dume. He discussed parking needs on Point Dume. He requested the Council withdraw the grant application and work with Point Dume residents on the parking and traffic issues.

David Visser recommended that the litigation between the City and Coastal Commission be retracted. He stated that the suits would delay protection of personal property rights.

Ted Vaill indicated that he had urged the Planning Commission to allow the Malibu Bay Company Development Agreement to go to the voters, but after hearing the Commission's deliberations, he changed his mind. He urged the Council to proceed to negotiate with the Malibu Bay Company to obtain a good agreement for the City.

ITEM 2B COUNCIL COMMENTS

Youth Mayor Pro Tem Opliger asked the City Manager to comment on Mr. Mazza's request. City Manager Lichtig explained that the Safe Routes to School Grant application had not yet been submitted. She assured the Council that the project would be designed to be compliant with the Americans with Disabilities Act (ADA). She stated the application would be before the Council on May 27, 2003. City Attorney Hogin discussed the Point Dume settlement agreement. She stated the grant application would be consistent with City policies and agreements.

Youth Mayor Pro Tem Opliger stated the Malibu High School Sharks requested the City Council contribute funds.

Youth City Manager Harris indicated staff would evaluate the request and place the item on a future agenda as a Councilmember item.

Youth Councilmember Juede invited the community to attend Malibu High School's performance of Les Miserables on May 29, 30, 31 and June 1, 2003.

Youth Mayor Damavandi thanked the City for allowing the youth to participate in the meeting.

ITEM 3 CONSENT CALENDAR

MOTION Youth Mayor Pro Tem Opliger moved and Councilmember House seconded a motion to approve the Consent Calendar. The motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. Second Reading and Adoption of Ordinance No. 247
Staff recommendation: Conduct second reading, unless waived, and adopt Ordinance No. 247, an ordinance of the City of Malibu amending Section 9.04.020 of the Malibu Municipal Code (Drinking in Public Prohibited).
2. Tentative Parcel Map No. 00-002, Variance No. 00-023, and Negative Declaration No. 00-011 – An application for a Variance request to allow parcel sizes smaller than the minimum size required by the slope/density factor of the Subdivision Ordinance in order to subdivide one 5.95-acre parcel, located at 27525 Winding Way, into two parcels; and Tentative Parcel Map No. 02-002, and Negative Declaration No. 00-011 – An application for the subdivision of one 5.9-acre parcel, located at 27525 Winding Way into two parcels. APPLICANT: Kurt Beckmeyer; OWNER: Stacy Keach; LOCATION: 27525 Winding Way; SITE ACREAGE: 5.95 Acres; ZONING: Rural Residential (RR-2)
Staff recommendation: Adopt Resolution No. 03-17, a resolution of the City Council of the City of Malibu, denying Variance No. 00-023.

B. New Items

1. Waive further reading
Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.
2. Approve Warrants
Staff recommendation: To allow and approve warrant demand numbers 21852 through 21971 listed on the register from the

General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 283 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands, including payroll checks, in a total amount of \$368,428.96. ADP payroll voucher numbers 3225148 – 3225164 were issued in the amount of \$100,441.22.

3. Discontinue the State of Local Emergency Declared by the Director of Emergency Services on January 13, 2003 Relating to the Pacific Fire

Staff recommendation: Discontinue the State of Local Emergency by minute order.

4. Approval of Minutes

Staff recommendation: Approve City Council meeting minutes for the Special City Council meeting held on April 30, 2003.

5. Agreement for Professional Services for Records Management Services

Staff recommendation: Authorize the City Manager to execute a professional services agreement with Gladwell Governmental Services, Inc. (GGS) to provide records management services.

6. Denial of Claim for Damages filed by Paeco Corporation

Staff recommendation: Deny claim filed by Paeco Corporation.

7. Denial of Claim for Damages filed by Alexander Rosales

Staff recommendation: Deny claim filed by Alexander Rosales.

8. Amendment to Agreement for Implementation of a Comprehensive Environmental Outreach and Communications Strategy

Staff recommendation: Authorize the extension of the agreement with Daniel J. Edelman, Inc. to assist the City for an additional five months to implement a comprehensive environmental outreach and communications strategy.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Adoption of Coastal Development Permit Fees and Banner Hanging Permit Fees

Staff recommendation: 1) Conduct the public hearing, and 2) Adopt Resolution No. 03-20 establishing a banner hanging fee and a Coastal Development Permit Fee, establishing a new schedule of fees and rescinding Resolution No. 02-20.

Youth Administrative Services Director Asenden presented the staff report.

John Mazza suggested two fees, one fee for non-profit and one fee for for-profit organizations for banner hanging fees. He suggested, if the fee was going to be \$125 for non-profit organizations, that the City make the fee \$250 for for-profit organizations.

City Manager Lichtig explained that the cost of the fee was the cost to process the application. She proposed that the fee remain as presented by staff.

MOTION Mayor Pro Tem Barovsky moved and Councilmember House seconded a motion to adopt Resolution No. 03-20 establishing a banner hanging fee and a Coastal Development Permit Fee, establishing a new schedule of fees and rescinding Resolution No. 02-20.

Councilmember Jennings asked if the Coastal Development Permit (CDP) fees were in addition to the normal planning fees. Interim Planning Manager Knight explained the proposed fee to be charged for CDPs and lot line adjustments. Councilmember Jennings asked what generated the 500-foot break point. Administrative Services Director James explained that the fee study determined the break point for under 500 square foot versus over 500 square feet. Councilmember Jennings asked the difference between a single-family residence less than 500 square feet and an addition or remodel. City Attorney Hogin suggested striking the addition/remodel fee.

Councilmember Stern indicated that the Coastal Commission was charging approximately \$500 which was not covering the cost for processing CDPs.

City Attorney Hogin explained that the charge for certified copies was \$13 per document.

Mayor Kearsley stated that the Coastal Commission was subsidizing the cost for processing Coastal Development Permits.

AMENDMENT

Councilmember House moved to amend the motion to revise the resolution based on the input from the City Attorney. The maker of the motion accepted the amendment.

The question was called and the amended motion carried unanimously.

- B. Ordinance Amending Ordinance No. 244 and Malibu Municipal Code Title 12 to Correct Section Numbers**
Staff recommendation: 1) Adopt Ordinance No. 248U, amending Ordinance No. 244, establishing rules and regulations related to the use and operation of City of Malibu park and recreation facilities, correcting section numbers in Malibu Municipal Code Title 12, Streets, Sidewalks and Public Places, and declaring the urgency thereof; 2) After the City

Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 248, amending Ordinance No. 244, establishing rules and regulations related to the use and operation of City of Malibu park and recreation facilities, and correcting section numbers in Malibu Municipal Code Title 12, Streets, Sidewalks and Public Places; and 3) Direct staff to schedule second reading and adoption of Ordinance No. 248 on May 27, 2003.

Youth City Clerk Ma presented the staff report.

MOTION Mayor Pro Tem Barovsky moved and Councilmember House seconded a motion to 1) Adopt Ordinance No. 248U, amending Ordinance No. 244, establishing rules and regulations related to the use and operation of City of Malibu park and recreation facilities, correcting section numbers in Malibu Municipal Code Title 12, Streets, Sidewalks and Public Places, and declaring the urgency thereof; 2) Introduce on first reading Ordinance No. 248, amending Ordinance No. 244, establishing rules and regulations related to the use and operation of City of Malibu park and recreation facilities, and correcting section numbers in Malibu Municipal Code Title 12, Streets, Sidewalks and Public Places; and 3) Direct staff to schedule second reading and adoption of Ordinance No. 248 on May 27, 2003. The motion carried unanimously.

ITEM 5 OLD BUSINESS

A. Annual Review of Parks & Recreation Master Plan by Parks & Recreation Commission

Staff recommendation: Receive and file the report.

Parks and Recreation Director Adams presented the staff report.

MOTION Mayor Pro Tem Barovsky moved and Councilmember House seconded a motion to receive and file the report.

Mayor Pro Tem Barovsky recommended that the City set aside \$500,000 per year. Parks and Recreation Director Adams stated the Parks and Recreation Commission had previously recommended setting aside funds for parks purposes.

Councilmember House commended the Parks and Recreation Commission for their efforts.

The motion carried unanimously.

B. Presentation for Review, Comment and Approval of Final Contract and Work Plan Pursuant to the Clean Beaches Initiative Grant Fund Project (Proposition 13) and Authorization to Execute Contract and Work Plan by Environmental and Community Development Director (Pursuant to Resolution No. 02-49)

Staff recommendation: Review and approve Final Contract Agreement and Work Plan for Clean Beaches Initiative Grant Fund Project (Proposition 13) and authorize the Environmental and Community Development Director to execute said contract pursuant to Resolution No. 02-49 adopted December 9, 2002.

Environmental and Community Development Director Peterson presented the staff report.

Steve Groner provided background on the Santa Monica Bay Restoration Commission and a summary of grant objectives and grant benefits.

Mayor Pro Tem Barovsky thanked Environmental and Community Development Director Peterson and his team for their hard work to keep the ocean clean.

Environmental and Community Development Director Peterson discussed the importance of online permitting and indicated that the grant fund project would move the City in that direction.

Councilmember Jennings asked if there was an area focus for the grant. Environmental and Community Development Director Peterson stated the area focus was the Civic Center area, the same area as the groundwater study. He stated the wastewater management plan would be implemented citywide.

Councilmember House asked about the plans to educate owners of multi-family and commercial properties. Environmental and Community Development Director Peterson indicated the target was to clean up the Lagoon and Surfrider Beach. He explained that the program would institute operating and occupancy permits City wide as well as wastewater discharge through the Regional Water Quality Control Board.

Mayor Kearsley thanked Environmental and Community Development Director Peterson for working to clean up the environment.

Mayor Kearsley asked if outreach would occur during the process. He indicated he was interested in developing standards for point-of-source

septic systems. Environmental and Community Development Director Peterson stated the outreach program had not yet been developed.

MOTION Councilmember House moved and Mayor Pro Tem Barovsky seconded a motion to review and approve Final Contract Agreement and Work Plan for Clean Beaches Initiative Grant Fund Project (Proposition 13) and authorize the Environmental and Community Development Director to execute said contract pursuant to Resolution No. 02-49 adopted December 9, 2002. The motion carried unanimously.

ITEM 6. NEW BUSINESS

A. Approval of Joint Use Agreement Between the City of Malibu and the Santa Monica Malibu Unified School District to Provide Community Access to School Facilities During Non-School Hours

Staff recommendation: 1) Approve the Joint Use Agreement between the City of Malibu and the Santa Monica Malibu Unified School District to allow community use of District facilities during non-school hours; 2) Authorize the City Manager to execute the agreement; 3) Authorize the City Manager or her designee to negotiate and execute the facility use policies and schedules required by the agreement annually; and 4) allocate up to \$130,000 from the General Fund for the 2003-04 fiscal year budget for costs associated with the implementation of the Joint Use agreement.

Parks and Recreation Director Adams presented the staff report.

Nidra Winger, Executive Director of the Pt. Dume Community Services District, provided an overview of the services provided by the District. She indicated support for the proposed joint use agreement.

Councilmember Jennings asked if the City would be obligated to come up with the funding gap. Parks and Recreation Director Adams explained the proposed uses of school district facilities. City Manager Lichtig explained that youth funds were in a set-aside fund for youth services. She indicated that this fund was not above and beyond the funds already set aside.

Councilmember Jennings discussed the need for community meeting rooms. He asked if the agreement will expand the ability to provide meeting rooms. Parks and Recreation Director Adams stated additions were not scheduled.

Mayor Pro Tem Barovsky asked about the involvement of the Community Services District. Parks and Recreation Director Adams indicated the

Community Services District was allowed to sublease the City's allowable usage time. Mayor Pro Tem Barovsky asked if the Community Services District's expenses would be reduced by the agreement. Parks and Recreation Director Adams explained that Council could determine the fees and cost sharing by organizations. Mayor Pro Tem Barovsky stated this agreement would mean AYSO and other youth sports would not have to pay fees. City Manager Lichtig explained that youth sports would become permittees and the City would coordinate permits.

Councilmember House asked what percentage of the \$165,000 was being used to finance the joint use agreement. City Manager Lichtig indicated 78%. Councilmember House asked if that included the amount paid for the pool. City Manager Lichtig stated that the pool would come from Prop A funding. Councilmember House discussed cuts to general fund grants and the fact that the City might use some of the \$165,000 for the funding of general fund programs.

Councilmember Stern thanked the staff for bringing the agreement forward to Council.

Mayor Kearsley commended staff.

Youth Mayor Pro Tem Opliger thanked staff for its support of the schools.

MOTION Councilmember House moved and Mayor Pro Tem Barovsky seconded a motion to 1) Approve the Joint Use Agreement between the City of Malibu and the Santa Monica Malibu Unified School District to allow community use of District facilities during non-school hours; 2) Authorize the City Manager to execute the agreement; 3) Authorize the City Manager or her designee to negotiate and execute the facility use policies and schedules required by the agreement annually; and 4) allocate up to \$130,000 from the General Fund for the 2003-04 fiscal year budget for costs associated with the implementation of the Joint Use agreement. The motion carried unanimously.

ITEM 7. COUNCIL ITEMS

- A. Recognition of Los Angeles County District Attorney Steve Cooley (Mayor Kearsley) (Continued from April 28, 2003)

Staff Recommendation: Direct staff to present a City tile to Los Angeles County District Attorney Cooley.

Mayor Kearsley presented the report.

Ryan Embree expressed concern with presenting a City tile to Los Angeles District Attorney Cooley. He indicated that protocol should be followed. He suggested a letter of commendation or certificate of achievement.

Mayor Pro Tem Barovsky agreed that a City tile was not the appropriate award, but that she could support a commendation.

MOTION Mayor Pro Tem Barovsky moved and Councilmember House seconded a motion to give a written commendation to Los Angeles District Attorney Cooley. The motion carried unanimously.

- B. Consideration of Direction to Staff to Prepare an Ordinance banning Onychectomy (Declawing) and Flexor Tendonectomy Procedures within the City (Councilmember House) (Continued from April 28, 2003)

Staff Recommendation: Direct staff as deemed appropriate.

- 1) If the Council determines that a ban on declawing is necessary within the City of Malibu, direct staff to prepare an ordinance for introduction and first reading at a future City Council meeting: OR
- 2) If the Council determines to not adopt an ordinance banning declawing, take no action.

Upon approval of the agenda, this item was continued.

- C. AB 947: An Act to Amend Section 36201 of, and to Add Chapter 6.5 (Commencing with Section 36550) to Division 27 of, the Public Resources Code, Relating to Natural Resources (Mayor Kearsley) (Continued from April 28, 2003)

Staff Recommendation: Affirm opposition to Assembly Bill 947, a measure establishing a program of ocean resources planning and management and a coastal erosion policy.

Mayor Kearsley presented the report.

Lloyd Ahern requested that two letters be sent to Sacramento regarding AB 947. He indicated that one letter should be written right away regarding appropriations to be taken to Sacramento. He indicated he was going to Sacramento to get a feel for how things are going. He stated that another letter could be delivered right before the Appropriations Committee meeting. He indicated he would give the first letter to the Appropriations Committee to ask how much the program would cost the State of California. He suggested that the City might then send a second letter. He indicated that he felt a second letter may not be necessary, but that the Council should authorize a second letter to be distributed just prior to the meeting of the Appropriations Committee if needed. The letter(s) would be based on the advice of the City's lobbyist.

Carol Randall thanked the Council for opposing AB 947. She urged the Council to continue its strong opposition to AB 947.

Mayor Pro Tem Barovsky indicated support for the suggestion by Mr. Ahern.

Environmental and Community Development Director Peterson stated staff was preparing information on the geological effects of the bill.

Councilmember Stern indicated support for the suggestion by Mr. Ahern.

MOTION Mayor Pro Tem Barovsky moved and Councilmember House seconded a motion to authorize the Mayor, or in his absence the Mayor Pro Tem, to implement the City's opposition in response to activities in Sacramento regarding AB 947. The motion carried unanimously.

D. AB 1652: An Act to Amend Section 130051 of the Public Utilities Code, Relating to Transportation (Councilmember House)

Staff Recommendation: Authorize a letter to be prepared for the Mayor's signature in support of Assembly Bill 1652, a measure to add two additional seats on the Los Angeles County Metropolitan Transportation Authority (MTA) Board of Directors.

Councilmember House presented the report.

Youth Mayor Pro Tem Opliger discussed his experience with public transportation. He thanked his mother and aunt for coming to the meeting.

MOTION Councilmember House moved and Mayor Pro Tem Barovsky seconded a motion to authorize a letter to be prepared for the Mayor's signature in support of Assembly Bill 1652, a measure to add two additional seats on

the Los Angeles County Metropolitan Transportation Authority (MTA) Board of Directors. The motion carried unanimously.

E. Children's Lifesaving Foundation Anniversary Celebration Advertisement (Councilmember House)

Staff Recommendation: Authorize the placement of a quarter page advertisement in the Children's Lifesaving Foundation's 10th Anniversary Tribute Book.

Councilmember House presented the report.

Councilmember House asked if her Council travel budget could be utilized. City Attorney Hogin explained that public money could only be used for municipal purposes. She discussed the circumstances under which public money might be expended and indicated that the City would have to determine if "goodwill" qualified.

Mayor Pro Tem Barovsky expressed concern regarding setting a precedent. She stated she would donate her portion of her travel budget.

Mayor Kearsley stated he agreed with supporting Children's Lifesaving Foundation, but would pay his portion out of his personal funds. He did not feel that the Council should establish a precedent.

Councilmember House indicated support for letting Item 7.E. drop.

Item 7.E. died for lack of a motion.

F. Consideration of City Conducting Workshop(s) to Develop System Specifications for Onsite Wastewater Management Systems (Mayor Kearsley)

Staff recommendation: Direct staff as deemed appropriate.

Mayor Kearsley presented the report. He requested that the City investigate Zero Discharge Evapo-Transpiration (ZDET). He indicated that he also wanted to establish workshops to review the procedures.

Environmental and Community Development Director Peterson indicated he believed that Mayor Kearsley wanted staff to investigate potential means of wastewater treatment and dispersal and bring those issues forward for review by the City Council to see if the Council wanted to incorporate them into the system.

Mayor Kearsley indicated that he would like to establish standards for those systems and permitting.

In response to Councilmember Stern, Mayor Kearsley indicated he was addressing onsite wastewater treatment.

Mayor Pro Tem Barovsky indicated support for the motion. She requested a staff report providing suggested implementation plans using grant funding.

MOTION Mayor Pro Tem Barovsky and Councilmember House seconded a motion to direct staff to come back with recommendations and conduct workshops to review all options, including utilizing grant funding.

Councilmember Jennings stated that it appeared as if this was a solution looking for a problem. He asked why this wouldn't be within the ambit of the Wastewater Advisory Committee (WACO).

Mayor Pro Tem Barovsky explained that the motion incorporated previously planned workshops and grant funds.

Mayor Kearsley indicated that he felt that standards on mineralization and nitrate standards will be coming down on the City. He stated that he has heard from people in the wastewater treatment area that ionic and demineralization processes could handle the problems. He indicated that he was opposed to ocean outfall.

Councilmember Jennings stated that he had heard that the Regional Water Quality Control Board (RWQCB) expressed concern that the Warshall Report discussed development of package plants in areas like the Civic Center. He asked if Mayor Kearsley was looking for staff to do ground work to come up with onsite disposal systems to hold up as an alternative to a package plant.

Councilmember House asked if WACO could do some investigation and consideration of this item as an assignment. Environmental and Community Development Director Peterson stated it would be within the scope of the duties and responsibilities of WACO. He indicated his belief that outreach programs could be used for multiple duties and that WACO could be used. He indicated that it was important to use existing programs. He stated that the RWQCB would establish the standards. He questioned whether there are other ways that individual properties can treat effluent and dispose of it onsite.

Councilmember House asked to amend Mayor Pro Tem Barovsky's motion to refer to WACO to outline a program of how to accomplish the Council's objectives. Mayor Pro Tem Barovsky did not accept amendment.

Environmental and Community Development Director Peterson suggested he bring the issue before WACO and come back with a report to Council as to the options available.

In response to Councilmember House, Mayor Pro Tem Barovsky indicated that the motion was to direct staff to come back with recommendations.

The question was called and the motion carried unanimously.

Mayor Kearsley thanked the students for their hard work.

ADJOURN At 9:08 p.m., Councilmember Jennings moved and Councilmember House seconded a motion to adjourn. The motion carried unanimously.

Approved and adopted by the City Council of
the City of Malibu on January 12, 2004.

KENNETH KEARSLEY, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)